

Entered - 5-17-01 sb
CL - 01L0317 - ALEXIS HOLMES

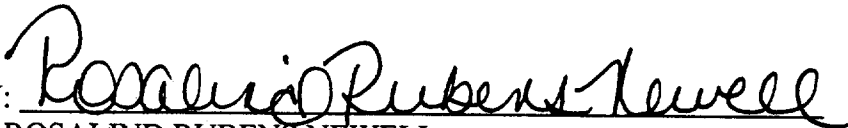
01-*L*-1386

CLAIM OF: **KHALIQ AKHTAR**
4735 Roswell Road
Apartment #2022
Atlanta, Georgia 30342

For damages alleged to have been sustained as a result of driving over a sewer cave in on April 16, 2001 at Wieuca Road east of Old Ivy Road.

BE IT RESOLVED by the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to **KHALIQ AKHTAR** the sum of **\$597.83** in full settlement and satisfaction of all claims, past, present and future, of every kind and character for damages alleged to have been sustained as a result of driving over a sewer cave in on April 16, 2001 at Wieuca Road east of Old Ivy Road as is more particularly set forth in the within claim; said sum taken from and charged to account 2J01/529017/T31001, Settlement of Suits and Claims, Department of Law.

APPROVED: SUSAN PEASE LANGFORD
CITY ATTORNEY

BY: 
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 01L0317

Date: 8/17/01

Claimant /Victim KHALIQ AKHTAR

BY: (Atty) _____

Address: 4735 Roswell Road Apartment #2022 Atlanta, Georgia 30342

Subrogation: _____ Claim for Property damage \$ 597.83

Bodily Injury \$ _____

Date of Notice: 5/01/01

Method: Written, proper X

Improper _____

Conforms to Notice: O.C.G.A. §36-33-5 X

Ante Litem (6 Mo.) X

Date of Occurrence 4/16/01

Place: Wieuca Road east of Old Ivy Road

Department Public Works

Division: Sewer Operations

Employee involved _____

Disciplinary Action: _____

NATURE OF CLAIM: The claimant sustained damages to his vehicle when he drove over a sewer cave in due to a collapsed sewer line that resulted in damages to his vehicle in the above amount.

INVESTIGATION:

Statements: City employee _____ Claimant X Other _____ Written _____ Oral _____

Pictures X Diagrams _____ Reports: Police _____ Dept Report X Other _____

Traffic citations issued: City Driver _____ Claimant Driver _____

Citation disposition: City Driver _____ Claimant Driver _____

BASIS OF RECOMMENDATION:

Function: Governmental _____ Ministerial X

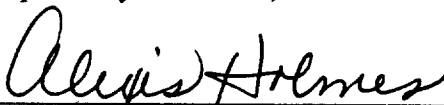
Improper Notice _____ More than Six Months _____ Other X Damages reasonable X

City not involved _____ Offer rejected _____ Compromise settlement _____

Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____

Claimant Negligent _____ City Negligent X Joint _____ Claim Abandoned _____

Respectfully submitted,



INVESTIGATOR - ALEXIS HOLMES

RECOMMENDATION:

Pay \$ 597.83 Adverse _____ Account charged: 1A01 _____ 2J01 X 2H01 _____

Claims Manager: [Signature] Concur/date 08-22-01

Committee Action: _____ Council Action _____

Red
5-1-01

4735 Roswell Road, #2022
Atlanta, GA 30342
April 17, 2001

Sandra Woolridge
Department of Public Works
11575 B Maxwell Rd.
Alpharetta, GA 30004

ENTERED - 5-17-01 - SB
0110317 - ALEXIS HOLMES

Holmes
05/16/01
[Signature]

Dear Ms. Woolridge

Early Monday, April 16th, between 12:00 a.m. - 1:00 a.m. I turned on to Wieuca Road NE from Phipps Boulevard and then proceeded west towards the Wieuca/Roswell Road intersection. I traveled East approximately 1/4 of a mile down Wieuca Road (150-200 ft east of Old Ivy Road/Wieuca Road intersection) when, with no warning, I proceeded into a gravel pit within the East-bound lane. I then applied my brakes and steered out of the pit to the right, upon which I felt an extreme jolt originating from the front wheels of my car, especially on the drivers side. Immediately after the jolt, vibrations began to pass through my Steering Wheel. Due to my expectation of a flat tire, I immediately turned on my hazard lights and pulled to the side to inspect my left front tire. Lighting conditions were poor, but I was able to realize my tire was not flat. When I looked behind my car to the east, I was not able to clearly see the ditch in which I ran into. I then proceeded approximately 1-2 miles to my garage, in which the whole time I still felt a strong vibration at the wheel. Under my garage light, I was able to make out that my drivers side rim had been bent, and both of my front tires had protruding bubbles coming out of their visible sidewall.

At the scene of the incident there were no markings, or warnings to indicate upcoming road conditions, construction, or speed deduction. There were no hazard cones in site of the incident, or covering the ditch. Lighting conditions were poor, there was no street light within the area of the incident. Even though I had on my DOT compliant, factory installed, 9006 headlights on, I was not able to see the upcoming ditch prior to my entrance within it. I was traveling 25 miles per hour.

Tuesday, April 17th, between 4:00 p.m. - 5:00 p.m. I revisited the incident scene to investigate the area. At this time, there were hazard cones on the shoulders of the ditch. Cars mainly swerved into the oncoming lane to avoid the ditch, while those who entered the ditched slowed to no more than 5-7 miles per hour within the ditch. At the time I entered the ditch I was not warned in any way.

I had my damage assessed by Barry Mervis, President of the Buckhead Division of Butler Tire. He assured me that my damage was caused by harsh road conditions, (hitting a curb, pothole, etc.) and not by manufacture defects. Being that I had just purchased a set of four tires, an alignment, and a high speed balancing 80 hours before the incident, Barry, along with his staff could also assure me that my wheel and tires were in impeccable condition less than 110 miles prior to the incident. I claim that the ditch on Wieuca Road, the lack of warning prior to the ditch, and/or poor lighting conditions are responsible for the damage to my drivers side front rim and two front tires.

In order to better support my claim, I have included a map, which locates the scene of the incident. I have also included numerous photos of the ditch, and damaged rim, along with a copy of an invoice of my service 80 hours before the incident, and a copy of an invoice for the required service and parts needed to repair the damage caused by the incident. The total cost of damage caused by the incident is \$597.83. You can reach me by telephone at (678) 431-0391 or by the address listed above.

Thank you for your time and consideration.

Sincerely,

[Signature]
Khaliq Akhtar

Enc.

- Map with location of incident
- Photos of ditch/damage
- Invoice 80 hours before incident
- Invoice to repair damage

GENERAL RELEASE AND INDEMNIFICATION

CLAIM NUMBER 01L0317

\$ 597.83

IN CONSIDERATION of the sum of FIVE HUNDRED AND NINETY-SEVEN AND 83/100
 DOLLARS, to be paid by the CITY OF ATLANTA, the future receipt of which is hereby acknowledged,
I do hereby, for myself, my heirs, executors, administrators, and assigns, release and forever discharge said City,
its officers and employees, from any and all claims, demands, actions, causes of action, suits, damages, loss and
expenses, of whatsoever kind or nature for or on account of anything that has heretofore occurred, and particularly
for or on account of driving over a sewer cave

which occurred on or about the 16th day of April, 2001,
at or near Wieuca Road east of Old Ivy Road

It is further understood and agreed that the payment of the above named sum is not to be considered as an
admission on the part of the City, its officers, agents, servants or employees, of any liability whatsoever and the
undersigned further covenants and agrees to indemnify and hold harmless the City of Atlanta, its officers, agents,
servants and employees, from any and all claims, damages or costs which the said City of Atlanta, its officers,
agents, servants and employees, may be called upon to make as a result of the event hereinbefore referred to.

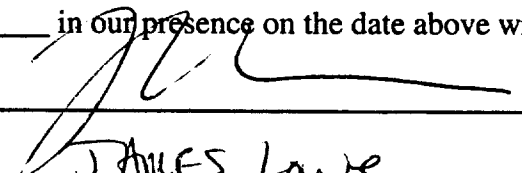
And I now state that the only consideration for my signing this release and indemnification is the payment
of the sum stated above; that no other promise or agreement of any kind or nature has been made to or with me by
said City or its agents to cause me to sign this release, and that I fully understand the meaning and intent of this
instrument.

WITNESS my hand and seal this AUGUST day of 28, 2001.


_____(LS)
KHALIQ AKHTAR

The above release was read and explained to, and signed by the said KHALIQ AKHTAR

in our presence on the date above written.



JAMES LOWE
WITNESSES

01-R-1386